



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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June 29, 2020

VIA ECF

Honorable Stewart D. Aaron
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Request GRANTED IN PART. By separate Order, the Court shall schedule a status conference by telephone and require the Plaintiff to be produced. The stay shall continue until the date of the conference. SO ORDERED. Dated: 6/30/2020

Re: Robert J. Ortiz v. Detective Raymond Low, et al.,
19 Civ. 3522 (LJL) (SDA)

Your Honor:

I am a Senior Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and the attorney for interested party New York City Corporation Counsel to the above-referenced case. I respectfully write pursuant to Your Honor's April 1, 2020 Order extending the stay in this action and requiring that "[t]he City shall file a letter on June 29, 2020 advising the Court [of] the status of the NYPD administrative trial." Docket No. 63. The undersigned reports that, on information and belief, the administrative trial remains pending. For the reasons set forth herein, this Office respectfully requests a continuation of the stay by one hundred twenty (120) days. The undersigned has not sought the *pro se* plaintiff's position on this application but will serve a copy of this request on the plaintiff by first class mail, and file a declaration of service on the docket attesting to the same, within the next two business days.¹

The undersigned communicated with a representative of the CCRB Administrative Prosecution Unit today by telephone. This individual represented that the underlying administrative prosecution in this case remains pending. Furthermore, scheduling for administrative prosecutions is just now resuming following a delay occasioned by the COVID-19 pandemic. The CCRB representative further stated that she expects a scheduling conference for

¹ Due to the COVID-19 pandemic, the undersigned is continuing to work from home pursuant to instructions from his agency. Due to logistical challenges related to printing and mailing documents, the undersigned respectfully requests that he be permitted two business days to mail this request and file a declaration of service.

this case to be held sometime in the month of August and, if the docket permits, a trial during either September or October.

A brief 120-day continuation of the stay is prudent in this instance as it appears that the factual allegations underlying the administrative trial substantially overlap with those outlined in the plaintiff's complaint. As set forth more fully in this Office's first application to stay this case (Docket No. 25) and as discussed at a conference held on December 4, 2019, allowing the administrative trial to reach a conclusion may ultimately save time as the parties could avoid procedurally inconvenient changes in representation of individual officers, discovery could be streamlined after the records of the administrative trial are available, and additional testimony adduced at the trial could potentially facilitate early settlement of this matter.

For the reasons set forth above, this Office respectfully requests that the Court extend the stay of the instant litigation for one hundred twenty (120) days to allow the NYPD administrative trial to proceed.

I thank the Court for its time and consideration of this request.

Respectfully submitted,

/s/ Nelson R. Leese

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